

04.02.2026
Sl. No.16
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 20328 of 2025

**Md. Mahbub Hassan Mondal
Versus
The State of West Bengal & Ors.**

Mr. Robiul Islam
Mr. Masooq Rahman

...for the Petitioner.

Mr. Pratik Dhar, Sr. Adv.
Ms. Madhurima Sarkar

...for the Madrasah Service Commission.

Mr. Subhasis Bandopadhyay
Ms. Susmita Chatterjee

... for the State

1. By the present writ petition, the petitioner seeks direction upon the respondent authorities to take steps to rectify the anomalies in the approval memo as well as the Prior Permission Order (PPO) issued by District Inspector of Schools (SE) South 24-Parganas.
2. The petitioner contends that the petitioner applied for general transfer. Pursuant to said application, the Madrasah Service Commission recommended the petitioner for general transfer as Assistant Teacher of Advance Arabic to Noorpur High Madrasah (HS), Noorpur, South 24-Parganas vide recommendation dated 23rd August, 2024. The petitioner joined in the said Madrasah on 5th September, 2024. Thereafter his appointment in the transferred school was approved by the District Inspector of Schools vide Memo No.280/APT

dated 27th December, 2024. In the approval letter it was mentioned that the cause of vacancy is due to retirement. However, it is found that one Assistant Teacher namely, Md. Abdul Fattah was already appointed as Assistant Teacher in Advance Arabic in Noorpur High Madrasah (HS), South 24-Parganas on 1st October, 2008 on the basis of recommendation made by the Madrasah Service Commission wherein the post sanction memo was mentioned as Memo No.1066/1(1)/PPT dated 31st December, 2007 of D.I./S/ADI/S(SE)/Madrasah. His appointment was also approved. In both the approval, the post sanction memo number is same. Hence, this writ petition for rectifying of such error/defect.

3. Mr. Robiul Islam, learned advocate for the petitioner seeks for appropriate order for rectification of such anomaly.
4. Mr. Pratik Dhar, learned Senior Advocate appearing on behalf of the West Bengal Madrasah Service Commission submits that the Secretary of the Commission in his report has detailed the process, which is to be implemented to rectify the administrative error. He files report of the Secretary, West Bengal Madrasah Service Commission dated 15th January, 2026, which is taken on record.
5. It is found from the materials on record that anomaly has arisen due to issuance of two (2) Prior Permission Orders (PPOs) viz. PPOs vide Memo No. 1066/1(1)/PPT

dated 31st December, 2007 and Memo No.321/MSC dated 5th February, 2024 by the concerned District Inspector of Schools (SE), South 24-Parganas against one and the same vacancy in one and the same teaching post of the subject Advance Arabic at Noorpur High Madrasah (HS), South 24 Parganas. In order to fill up a vacancy of teaching post for the subject Advance Arabic at the said Madrasah, the concerned authority recommended the name of one Md. Abdul Fattah as Assistant Teacher vide Memo No.512(977)/157/CSTM/RECOMN/07 dated 1st October, 2008. The said Md. Abdul Fattah is working as Assistant Teacher in the subject Advance Arabic. Pursuant to the Prior Permission Order (PPO) of District Inspector of Schools (S.E.), South 24-Parganas, the Commission has again recommended the name of the petitioner to the said Madrasah on General Transfer as an Assistant Teacher in Advance Arabic vide Memo No. MSC/GT/Recommendation/36 dated 23rd August, 2024. For such reason, the administrative error as arisen.

6. In the report dated 15th January, 2026, following process has been mentioned to rectify the administrative error :
 - i. The Secretary and Headmaster of Noorpur High Madrasah (HS), South 24-Parganas, vide Memo No.MSC/02/25 dated 23.07.2025 has reported that there exists another vacancy in the same subject Advance Arabic in the concerned Madrasah

against which a Prior Permission Order (PPO) has been issued by District Inspector of Schools (SE) South 24-Parganas vide Memo No.322/ADI/DH/PPT dated 28.02.2025

- ii. Now, the District Inspector of Schools (SE) South 24-Parganas may be requested to issuer corrigendum against the Prior Permission Order (PPO) vide Memo No.321/MSC dated 05.02.2024, so that the existing vacancy in the same subject may be accommodated.
 - iii. Accordingly, the Commission may issue necessary corrigendum against the recommendation letter issued to Md. Mahbub Hassan Mondal.
7. In view of aforesaid, the District Inspector of Schools (S.E.), South 24-Parganas, respondent no.6 and Secretary, the West Bengal Madrasah Service Commission respondent no.5, shall take appropriate steps for rectification as per the process as stated in the report dated 15th January, 2026.
 8. Such steps shall be taken by District Inspector of Schools (S.E.), South 24-Parganas, respondent no.6 for rectification within a period of six weeks from the date of communication of this order and the same be forwarded to the Secretary, the West Bengal Madrasah Service Commission for further course of action.
 9. Upon receipt of such rectification made by the District Inspector of Schools (SE), South 24-Parganas, the Secretary, West Bengal Madrasah Service Commission

shall act accordingly, as expeditiously as possible, preferably within a period of four weeks therefrom.

10. Learned Advocate for the petitioner is directed to communicate this order to the respondent No.6, the District Inspector of Schools (SE), South 24-Parganas as well as respondent no.5, the Secretary, West Bengal Madrasah Service Commission, for necessary compliance.
11. With the aforesaid direction, the writ petition being **WPA 20328 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)